

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

<b>In the Matter of:</b>	)	
	)	
Bangkok Bistro, Inc.	)	
W/a Bangkok Bistro	)	
	)	
Application for a Retailer's Class	)	Case No. 23312-04/064P
CR License – substantial change	)	2004-56
at premises	)	
3251 Prospect Street, NW	)	
Washington, D.C.	)	
	)	

Margery Freshner, Raymond J. Kukulski, President, on behalf of Citizens Association of Georgetown, Robert R. Elliott, Tom Birch, Chair, on behalf of Advisory Neighborhood Commission 2E, John Mussells, Premila Mussells, Thomas G. Vogt, Robert T. Laycock, Virginia Radley Emes, Ronald J. Chancellor, Jacqueline Martin-Hutman, on behalf of The Mineral Kingdom, Inc., Leo Bernstein, Beverly Bernstein, William Gould, Margarite Gould, Carmela Acampora, on behalf of Urban Land Institute, Meda Mladek, Gianluca Pivator, Edward L. Emes, and Elizabeth D. Emes, Protestants

Douglas E. Fierberg, Esquire, on behalf of Edward and Elizabeth Emes, Protestants

Andrew J. Kline, Esquire, on behalf of Robert R. Elliot, Protestant

Dimitri P. Mallios, Esquire, on behalf of Applicant

**BEFORE:** Charles A. Burger, Chairperson  
Vera Abbott, Member  
Judy A. Moy, Member  
Audrey E. Thompson, Member  
Peter B. Feather, Member

**ORDER ON WITHDRAWN PROTEST  
AND VOLUNTARY AGREEMENT**

The request to make substantial changes to include the expansion of the existing sidewalk and the additions of a summer garden (front of premises) and a summer garden (rear of premises) was protested. The matter came before the Board on July 16, 2003, in accordance with D.C. Official Code §25-601 (2000 Edition).

**Bangkok Bistro, Inc.**  
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Margery Freshner, Raymond J. Kukulski, President, on behalf of Citizens Association of Georgetown, Robert R. Elliott, Tom Birch, Chair, on behalf of Advisory Neighborhood Commission 2E, John Mussells, Premila Mussells, Thomas G. Vogt, Robert T. Laycock, Virginia Radley Emes, Ronald J. Chancellor, Jacqueline Martin-Hutman, on behalf of The Mineral Kingdom, Inc., Leo Bernstein, Beverly Bernstein, William Gould, Margarite Gould, Carmela Acampora, on behalf of Urban Land Institute, Meda Mladek, Gianluca Pivator, Edward L. Emes, and Elizabeth D. Emes filed opposition against the request for a substantial change in a timely manner.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated April 14, 2004, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 21<sup>st</sup> day of July 2004, **ORDERED** that:

1. The opposition of Margery Freshner, Raymond J. Kukulski, President, on behalf of Citizens Association of Georgetown, Robert R. Elliott, Tom Birch, Chair, on behalf of Advisory Neighborhood Commission 2E, John Mussells, Premila Mussells, Thomas G. Vogt, Robert T. Laycock, Virginia Radley Emes, Ronald J. Chancellor, Jacqueline Martin-Hutman, on behalf of The Mineral Kingdom, Inc., Leo Bernstein, Beverly Bernstein, William Gould, Margarite Gould, Carmela Acampora, on behalf of Urban Land Institute, Meda Mladek, Gianluca Pivator, Edward L. Emes, and Elizabeth D. Emes is **WITHDRAWN**;

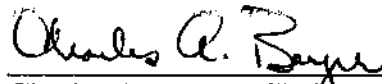
2. The request of Bangkok Bistro, Inc. t/a Bangkok Bistro, holder of a Retailer's Class CR License (substantial change) located at 3251 Prospect Street, NW, Washington, D.C. to expand the existing sidewalk café and to add a summer garden (front of premises) is **GRANTED**;

3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and

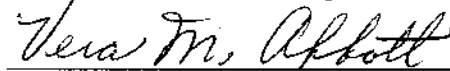
4. Copies of this Order shall be sent to the Protestants, Attorney for the Protestants, Attorney for the Applicant, and the Applicant.

**Bangkok Bistro, Inc.**  
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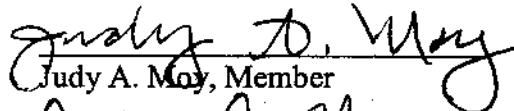
District of Columbia  
Alcoholic Beverage Control Board



Charles A. Burger, Chair



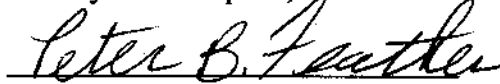
Vera Abbott, Member



Judy A. Moy, Member



Audrey E. Thompson, Member



Peter B. Feather, Member

**AGREEMENT**

AGREEMENT made this 14 day of April, 2004, by and between BANGKOK BISTRO, INC. (hereinafter known as "Applicant"), ADVISORY NEIGHBORHOOD COMMISSION 2E, CITIZENS ASSOCIATION OF GEORGETOWN, EDWARD L. EMES, Jr., ELIZABETH D. EMES, V. RADLEY EMES, MEDA MIADK LUCA PIVATO, HAYLEY PIVATO and ROBERT R. ELLIOTT (hereinafter known as "Protestants").

**WITNESSETH**

WHEREAS, Applicant has applied for a substantial change in the operation of its business, which would have included serving food and alcohol on the back patio, expanding the front sidewalk café in public space, and adding additional outdoor seats in the front of the restaurant on landlord's space, designated as summer garden; and

WHEREAS, the Protestants have opposed all of the foregoing requests and applications; and

WHEREAS, the parties desire to resolve all outstanding matters pending between them between before the ABC Board by entering into this Agreement:

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Bangkok Bistro hereby withdraws its application for a garden permit for the back patio.
2. Bangkok Bistro reaffirms its pending requests to increase its sidewalk café in public space by 12 seats and to utilize space owned by the landlord for 24 additional seats as a summer garden in the front of the premises.
3. The Protestants shall not oppose Bangkok Bistro's request for said additional space for 12 seats in public space, and will do nothing inconsistent with their lack of opposition for such a request or application by Bangkok Bistro.
4. Bangkok agrees that to add 12 seats to its sidewalk café in public space, it must obtain an increase in the amount of public space leased to Bangkok Bistro. Such increase was opposed by some of the Protestants and was denied. As part of this Agreement, all Protestants shall not oppose

FROM : Edward L. Enes Jr.

Apr-13-04 15:23 From-

FROM : Edward L. Enes Jr.

FAX NO. : 3337573

FAX NO. : 3337573

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Bangkok Bistro's request for additional public space for 12 additional seats, and will do nothing inconsistent with their lack of opposition for any such request or application by Bangkok Bistro.

5. The Protestants do not oppose Bangkok Bistro's request for a 24 seat summer garden at the front of the restaurant and agree to deliver any reasonable statements incorporating their lack of opposition that may be needed in connection with the 24 seats with the ABC Board.

6. The previous Voluntary Agreement dated November 6, 2000, shall be considered by all parties to have terminated. Notwithstanding the foregoing, Bangkok Bistro shall store and remove its trash in compliance with the law (including, without limitation, DCMR §§ 2206 and 2607), using receptacles in the enclosure containing trash from its restaurant only, and shall ensure that its removal of trash shall not disturb its neighbors.

7. This Agreement shall become effective upon the issuance of the approval of the summer garden permit for the 24 seats at the front of the restaurant by the ABC Board. If such garden permit is not issued by the ABC Board, this Voluntary Agreement shall be null and void.

8. This Agreement is binding upon the parties, their successors, and assigns, and it may not be modified without the signed agreement by all parties hereto.

9. IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement dated the \_\_\_\_ day of March, 2004.

APPLICANT:

BANGKOK BISTRO, INC.

By   
Nick Kichareon, President

PROTESTANTS:

ANC 2E

By 

CITIZENS ASSOCIATION OF  
GEORGETOWN

By T. Raymond J. Kunkel Sr.



Edward L. Emes, Jr.



Elizabeth D. Emes



V. Radley Emes

\_\_\_\_\_  
Luca Pivato

\_\_\_\_\_  
Hayley Pivato

\_\_\_\_\_  
Meda Mladek

\_\_\_\_\_  
Robert R. Elliott

March , 2004

**Public Space**  
**Dept. of Consumer & Regulatory Affairs**  
**941 North Capitol Street NE**  
**Washington, D.C. 20002**

**Subject: Public Space for 12 additional seats of**  
**Bangkok Bisttro at 3251 Prospect Street, NW**

**Dear Sir or Madam:**

As part of an agreement resolving all disputes between Bangkok Bistro, on the one hand, and ANC 2E, Citizens Association of Georgetown and various individuals on the other, the undersigned do not oppose a lawful expansion of public space leased to Bangkok Bistro, as defined in their previous application for additional space, to accommodate 12 additional seats in public space at the front of the Bangkok Bistro Restaurant, 3251 Prospect Street, NW.

ANC 2E

By \_\_\_\_\_

CITIZENS ASSOCIATION OF

GEORGETOWN



Elizabeth D. Emes

By 

Edward L. Emes

\_\_\_\_\_  
Luca Pivato\_\_\_\_\_  
Hayley Pivato\_\_\_\_\_  
Meda Mladek  
V. Radley Emes

As part of an agreement resolving all disputes between Bangkok Bistro, on the one hand, and ANC ZE, Citizens Association of Georgetown and various individuals on the other, the undersigned do not oppose a lawful expansion of public space leased to Bangkok Bistro, as defined in their previous application for additional space, to accommodate 12 additional seats in public space at the front of the Bangkok Bistro Restaurant, 3251 Prospect Street, NW.

ANC ZE

By 

CITIZENS ASSOCIATION OF

GEORGETOWN

By 

Edward L. Emes

  
Elizabeth D. Emes  
Luca Fivato  
Hayley Fivato  
Meda Mladek  
V. Radley Emes